

REMARKS

Claims 1-7 are pending in this application. The Office Action objects to the drawings filed April 30, 2007; and rejects claims 1-7 under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse the objection and rejection.

I. Objection to the Drawings

The amendment to the drawings filed April 30, 2007, is objected to under 35 U.S.C. 132(a) as allegedly introducing new matter. Applicants respectfully traverse the objection.

Applicants note that two Declarations under 37 C.F.R. 1.132, executed by Dr. Stephen Picken, have been filed discussing this issue. In response to the Declaration filed October 30, 2008, the Office Action admits that "the applicant's explanation of the citations provided by the examiner could be considered plausible." However, the Office Action nonetheless states that "the extent of the arguments merely show that the examiner has not established beyond all certainty that the slot or diaphragm is not at the bottom of the coagulation bath. However, the examiner submits that this argument does not rise to the level of showing that the slot or diaphragm is at the bottom of the coagulation bath." (Emphasis added.)

Although Applicants respectfully disagree with the burden of proof being required by the Office Action, and respectfully submit that the previously filed Declarations show that a person having ordinary skill in the art would necessarily understand that the slot or diaphragm is located at the bottom of the coagulation bath, Applicants nonetheless here provide further analysis based on the present specification as originally filed.

First, Figure 2 as originally filed is shown below.

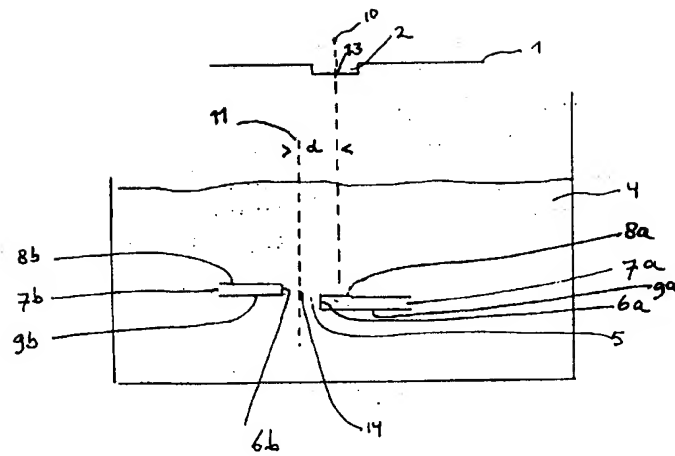
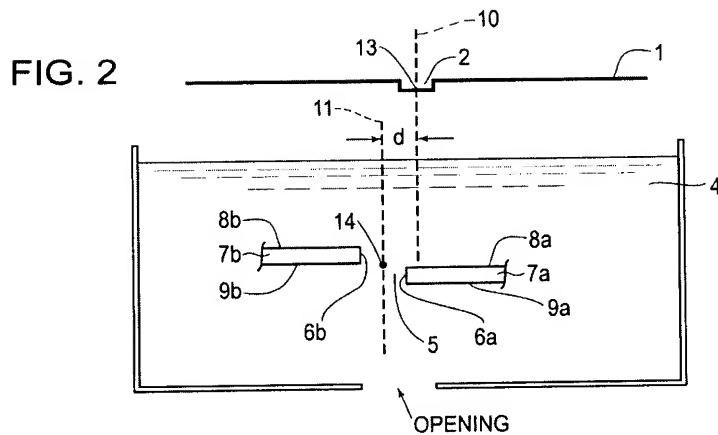
Original Figure 2

Fig. 2

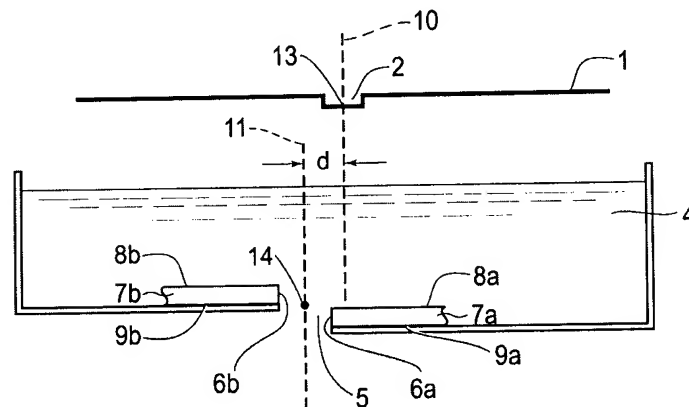
As has been repeatedly discussed, Applicants respectfully submit that the outermost line defining the boundary of the bottom of the bath in original Figure 2 was drawn in error, and this boundary should have been drawn as being contiguous with the bottoms of the slots 7a and 7b. This is the issue at dispute. However, regardless, Applicants note that original Figure 2 *also* did not show the "discharge opening" in the bottom of the bath. Paragraph [0003] of the specification as originally filed clearly discussed the "discharge opening[] in the bottom of the coagulation bath." The Office Action mailed February 4, 2008, agrees that "there must be an opening in the bottom of the coagulation bath shown in the original Figure 2." Office Action mailed February 4, 2008, page 6.

Therefore, regardless of whether *the slot or diaphragm* is located at the bottom of the bath, a *discharge opening* is clearly located at the bottom of the bath. A hypothetical Figure 2, showing the slot or diaphragm as was shown in original Figure 2, but also including a discharge opening at the bottom of the bath, is shown below.

Hypothetical Figure 2

Applicants strongly stress that this Figure is hypothetical, and is presented only for the purposes of argument herein.

With the above two Figures in mind, Applicants respectfully submit that the issue of whether the slot or diaphragm is located at the bottom of the coagulation bath can be restated as *whether the slot or diaphragm corresponds to (i.e. is the same as) the discharge opening*. As has been previously discussed throughout prosecution, Applicants submit that the discharge opening corresponds to the slot or diaphragm (see Declaration filed April 28, 2008, page 4) such that only one actual opening is present in the bottom of the bath. This is the configuration as shown in amended Figure 2. Amended Figure 2 is shown below.

Amended Figure 2

Applicants note that either "Hypothetical Figure 2" or "Amended Figure 2" *must* be correct, in that the only possible options are that either (1) the slot or diaphragm is located *on* the

discharge opening as in Amended Figure 2, or (2) the slot or diaphragm is located some distance above the discharge opening as in Hypothetical Figure 2.

Applicants have repeatedly argued throughout prosecution that a person having ordinary skill in the art would understand that "Amended Figure 2" is necessarily disclosed by the specification as originally filed. In further support for these arguments, the following four *new* arguments are presented. Applicants respectfully request full and proper consideration of each of the following new arguments.

(1) Paragraph [0003] of the present specification as originally filed states that "the extent to which the coagulation bath surface is in motion is highly dependent on the geometry of the coagulation bath's *bottom*" (emphasis added). Therefore "the extent to which there is motion at the coagulant surface can be reduced substantially by introducing *the geometry of the present invention*" (emphasis added). Applicants respectfully submit that the description of the "slot or diaphragm" throughout the present specification is clearly the "present invention" referenced in paragraph [0003]. See, for example, paragraphs [0004] and [0005] describing the geometry of the slot or diaphragm under "Summary of the Invention." Therefore, the geometry of the "slot or diaphragm" is clearly the "geometry of the coagulation bath's *bottom*" as described in paragraph [0003]. Thus, the slot or diaphragm is located at the bottom of the bath, in accordance with Amended Figure 2.

(2) Paragraph [0007] describes how "at the edges of the *discharge openings*, the liquid, which is entrained by the outgoing filament bundle is stopped or scraped off" (emphasis added) resulting in "streams flowing in opposite directions." Paragraph [0008] describes how "when the aforementioned streams come together at *different levels*... the liquid surface remains calm," (emphasis added) and therefore advantageous effects are achieved. Applicants respectfully submit that the "different levels" discussed in paragraph [0008] clearly arise from the geometry of the plates making up the slot or diaphragm, wherein

one plate is higher than the other in the bath. Thus, the edges of the plates making up the "slot or diaphragm" *must* be "the edges of the discharge openings" (in accordance with Applicants' position that the slot or diaphragm corresponds to the discharge opening) or else the above discussed passages cannot be understood as being logically coherent. In other words, the only logical understanding of the above passages is that the different *heights* of the plates *making up the slot or diaphragm* create "different levels" "at the edges of the discharge opening." Accordingly, the slot or diaphragm corresponds to the discharge opening, at the bottom of the bath, in accordance with Amended Figure 2.

(3) Paragraph [0015] describes the opening at "the bottom of the coagulation bath." As discussed above, this opening is clearly the discharge opening. However, paragraph [0015] also states that "if the *opening* has a [desired geometry then advantageous effects arise] ... and the filaments are prevented from being pressed together or suffering damage from scraping along the edge *of the slot or diaphragm*." (Emphasis added). Applicants respectfully submit that this passage can only make sense if the slot or diaphragm corresponds to the discharge opening, as is shown in Amended Figure 2. If the slot or diaphragm is arranged as shown in Hypothetical Figure 2 then the discharge opening is separate from the slot or diaphragm, and there is no reason why the geometry of the discharge opening would affect "scraping along the edge of the slot or diaphragm." Therefore, this passage necessarily implies that the opening through the slot or diaphragm is *the same* as the discharge opening. Thus, since the discharge opening must be located at the bottom of the bath (as discussed above), the slot or diaphragm must also be located at the bottom of the bath.

(4) Finally, Paragraph [0030] states that "the spinning device is preferably closed with a covering plate just *above the slot or diaphragm*." Applicants respectfully submit that the *only* way the bath could be closed by such a covering plate "above" the slot or diaphragm

is if the slot or diaphragm is itself positioned at the bottom of the bath, such that the discharge opening in the bottom of the bath is *the same* as the "slot or diaphragm." If the slot or diaphragm were located at any other location than at the bottom of the bath (for example, some distance above the discharge opening as shown in Hypothetical Figure 2) then the bath clearly would not be "closed" by a plate *above* such a slot or diaphragm. In other words, this passage in paragraph [0030] is not logically consistent with the arrangement shown in Hypothetical Figure 2, because the bath would not be "closed" if a covering plate were put on top of the slot or diaphragm as shown therein. On the other hand, this passage necessarily implies that the slot or diaphragm is located as shown in Amended Figure 2, because the configuration shown therein can clearly be closed by a covering plate above the slot or diaphragm.

Accordingly, for these four reasons, as well as all of the reasons discussed previously throughout prosecution, a person having ordinary skill in the art would have understood that Amended Figure 2 is necessarily implicitly disclosed by the specification as originally filed. Thus, Amended Figure 2 does not constitute new matter.

Reconsideration and withdrawal of the objection are respectfully requested.

II. Rejection under 35 U.S.C. §112, first paragraph

Claims 1-7 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action alleges that the presently claimed feature in independent claims 1 and 2 "the slot or diaphragm is positioned at the bottom of the coagulation bath" is not supported by the original disclosure.

Applicants respectfully submit that the rejection depends on the same underlying technical issues as discussed above with respect to the objection to the drawings. Therefore, Applicants respectfully submit that the presently claimed feature "the slot or diaphragm is positioned at the bottom of the coagulation bath" is fully supported by the original disclosure

for the same four reasons listed above (as well as all the reasons discussed previously throughout prosecution).

Accordingly, claims 1-7 fully comply with the written description requirement.

Reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:STD/std

Attachment:

Petition for Extension of Time

Date: April 28, 2009

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